

ACT 20

A Bill for an Act Relating to Payment of Wages and Amending Chapter 95, Revised Laws of Hawaii 1955, as Amended.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:
The requirement of a semi-monthly payroll is inconvenient and unjust in certain cases. Employees themselves may prefer an alternative plan. Certain business operations may be extremely inconvenienced by such a requirement. It is necessary to enact legislation that will permit

greater flexibility to employer and employees in certain situations and will permit the director of labor and industrial relations greater discretion in administering the Act.

SECTION 2. Section 95-2, Revised Laws of Hawaii 1955, as amended by Act 158, Session Laws of Hawaii 1963, is hereby amended to read as follows:

“Section 95-2. Semi-monthly payday. (a) Every employer shall pay all wages due to his employees at least twice during each calendar month, on regular paydays designated in advance by the employer, in lawful money of the United States or with checks convertible into cash on demand at full face value thereof; provided, that when a majority of an employer’s employees or a majority of the employees in a collective bargaining unit recognized by an employer or established by law elect, in a secret ballot election under procedures approved by the director, to be paid once a month on a regularly scheduled basis, said employees shall be paid on such monthly basis. Such elections shall not be held more frequently than once in every two years.

(b) The earned wages of all employees shall be due and payable within seven days after the end of each pay period.

(c) The director may, upon application showing good and sufficient reasons, permit an employer to:

(1) Establish regular paydays less frequently than semi-monthly provided that the employee shall be paid in full at least once each calendar month on a regularly established schedule;

(2) Pay earned wages within fifteen days after the end of each pay period.”

SECTION 3. The provisions of this Act are declared to be severable, and if any portion of this Act or the application thereof is held to be invalid for any reason, the validity of the remainder of this Act or the application of such portion shall not be affected thereby.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 21, 1964.) **H.B. 4.**
